

ESTTA Tracking number: **ESTTA137522**

Filing date: **04/25/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	DIRECTV
Granted to Date of previous extension	04/25/2007
Address	2230 E. Imperial Highway El Segundo, CA 90245 UNITED STATES

Attorney information	Caroline Keller Pillsbury Winthrop Shaw Pittman 725 South Figueroa Street Suite 2800 Los Angeles, CA 90017 UNITED STATES LA-TMDocketing@pillsburylaw.com, caroline.keller@pillsburylaw.com, evan.finkel@pillsburylaw.com, john.schneider@pillsburylaw.com
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Applicant Information

Application No	78857942	Publication date	12/26/2006
Opposition Filing Date	04/25/2007	Opposition Period Ends	04/25/2007
Applicant	Voiceglobal 1111 Brickell ave suite 1100 Miami, FL 33131 UNITED STATES		

Goods/Services Affected by Opposition

Class 038. All goods and services in the class are opposed, namely: Voice over Ip service
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Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2698197	Application Date	12/04/1998
Registration Date	03/18/2003	Foreign Priority Date	NONE

Word Mark	DIRECTV
Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 1994/06/17 First Use In Commerce: 1994/06/17 TELECOMMUNICATIONS PRODUCTS, NAMELY, RECEIVERS, RECEIVER MODULE, MODULATORS, TRANSMITTERS, MULTIPLEXERS, DECODER BOXES, DATA PROCESSORS, INTEGRATED CIRCUITS, SET-TOP BOXES PRIMARILY COMPRISED OF A RECEIVER AND CIRCUITRY, COMPUTER CONTROLLING HARDWARE AND SOFTWARE FOR USE IN THE AFOREMENTIONED GOODS, SATELLITE DISHES, REMOTE CONTROLLERS, VIDEO DISPLAY DEVICES, NAMELY, TELEVISION SETS, VIDEO PROJECTORS, AND VIDEO MONITORS, ANTENNAS, INSTALLATION KITS PRIMARILY COMPRISING CABLES, PHONE CORDS, CABLE TIES, CABLE CLIPS, GROUND WIRE, PHONE ADAPTERS, AND PARTS FOR THE AFORESAID GOODS, VIDEO DISTRIBUTION EQUIPMENT, NAMELY, AMPLIFIERS, PRE-AMPLIFIERS, BLOCK SIGNAL CONVERTERS, ROUTERS, ELECTRICAL SWITCHES, ENCODERS, DECODERS, AND ACCESSORIES, NAMELY, TELEPHONE JACKS, CHIMNEY MOUNTS, SURGE PROTECTORS, CABLES, CONNECTORS AND FITTINGS ALL FOR USE IN THE DIRECT-TO-HOME SATELLITE BROADCASTING INDUSTRY</p> <p>Class 025. First use: First Use: 1994/06/17 First Use In Commerce: 1994/06/17 CLOTHING, NAMELY, SHIRTS, GOLF SHIRTS, JACKETS, WIND-RESISTANT JACKETS, SWEATSHIRTS, T-SHIRTS, CAPS, HATS, SWEATERS, SWEAT PANTS, SLEEPWEAR, SHORTS, RAINWEAR, WRIST BANDS</p> <p>Class 038. First use: First Use: 1994/06/17 First Use In Commerce: 1994/06/17 SATELLITE TELEVISION BROADCASTING SERVICES, BROADCASTING PROGRAMS VIA A GLOBAL COMPUTER NETWORK, PROVIDING AND PROCESSING INTERACTIVE ACCESS TO INFORMATION VIA AN ELECTRONIC COMMUNICATION NETWORK, ELECTRONIC MAIL SERVICES, ELECTRONIC TRANSMISSION OF MESSAGES AND DATA, PAY-PER-VIEW TRANSMISSION SERVICES, DELIVERY OF MESSAGES BY ELECTRONIC TRANSMISSION; VIDEO BROADCASTING AND MESSAGING SERVICES, VIDEO-ON-DEMAND TRANSMISSION SERVICES, PROVIDING MULTIPLE-USER ACCESS TO A GLOBAL COMPUTER INFORMATION NETWORK</p> <p>Class 041. First use: First Use: 1994/06/17 First Use In Commerce: 1994/06/17 TELEVISION PROGRAMMING AND PRODUCTION SERVICES, PROGRAMMING ON A GLOBAL COMPUTER NETWORK, DISTRIBUTION OF TELEVISION PROGRAMS FOR OTHERS, PROVIDING ON-LINE INTERACTIVE COMPUTER DATABASES OF INFORMATION IN THE FIELDS OF ENTERTAINMENT NEWS, FINANCIAL NEWS, CURRENT EVENTS, SPORTS, AND PROVIDING ON-LINE INTERACTIVE COMPUTER DATABASES OF INFORMATION ON SATELLITE TELEVISION PROGRAMMING LISTS AND SCHEDULES OF OTHERS</p>

U.S. Registration No.	2965465	Application Date	09/25/2001
Registration Date	07/12/2005	Foreign Priority Date	NONE
Word Mark	DIRECTV DSL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 2001/05/02 First Use In Commerce: 2001/05/02		

	Telecommunication services, namely, high speed transmission of voice, video, data and information over a global computer information network; telecommunications gateway services; and email services
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U.S. Registration No.	3051286	Application Date	11/28/2001
Registration Date	01/24/2006	Foreign Priority Date	NONE
Word Mark	DIRECTV		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 1994/06/17 First Use In Commerce: 1994/06/17 Satellite television broadcasting services, broadcasting programs via a global computer network, electronic mail services, electronic transmission of messages and data, pay-per-view transmission services, delivery of messages by electronic transmission; video broadcasting and messaging services, video-on-demand transmission services, providing multiple user access to a global computer information network, rental of satellite broadcasting equipment		

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Signature	/ck/js/
Name	Caroline Keller
Date	04/25/2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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DIRECTV, INC.,	:	
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Opposer,	:	
	:	
v.	:	
	:	
VOICEGLOBAL CORP.,	:	
	:	
Applicant.	:	
-----X		

Commissioner of Patents and Trademarks
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

In the matter of Trademark Application Serial No. 78/857,942 for the mark DIRECTO GET WHAT YOU EXPECT! in International Class 038, and Published for Opposition in the Official Gazette on December 26, 2006:

Opposer, DIRECTV, Inc. ("Opposer"), a California Corporation with its place of business at 2230 E. Imperial Highway, El Segundo, California 90245-0956, opposes the registration of Trademark Application Serial No. 78/857,942 for the mark DIRECTO GET WHAT YOU EXPECT! for goods in International Class 038 for use in connection with "voice over IP services." Opposer believes that it will be damaged by the registration of the mark and hereby opposes its registration.

As grounds for opposition, it is alleged that:

1. Opposer, a corporation, is using, and for over 12 years has used, the mark DIRECTV and variations thereon, in commerce throughout the United States, in connection with a variety of telecommunication and telecommunication-related goods and services.

2. Opposer is the owner of common law rights to the mark DIRECTV in connection

with a variety of telecommunication and telecommunication-related goods and services.

3. Opposer is also the owner of a number of United States Trademark Registrations for the DIRECTV mark and for marks including the term DIRECTV in various formats including, but not limited to, United States Trademark Registration Nos. 2698197, 2965465, and 3051286. These registrations are *prima facie* evidence of Opposer's exclusive ownership of and right to use the DIRECTV mark in commerce as provided therein. These registrations are for a variety of telecommunication and telecommunication-related goods and services, including, but not limited to, the transmission of voice data over a global communications network.

4. Opposer has extensively used and promoted the DIRECTV mark in connection with aforesaid goods and services and with other related goods and services and, as a result, Opposer's DIRECTV mark has been famous throughout the United States long prior to any recognized priority date that Applicant can claim for the opposed application.

5. Notwithstanding Opposer's prior rights in and to its DIRECTV mark, Applicant seeks to register the mark DIRECTO GET WHAT YOU EXPECT! in connection with telecommunication and telecommunication-related goods and services, *i.e.*, "voice over IP."

6. Opposer will be damaged by the registration of the DIRECTO GET WHAT YOU EXPECT! mark, as aforesaid, in that said mark so resembles Opposer's DIRECTV mark, as to be likely, when applied to the goods of Applicant, to cause confusion, mistake, and deception, with consequent irreparable damage to Opposer's business and goodwill and otherwise will improperly give the appearance of exclusive statutory ownership rights in marks incorporating the DIRECTV mark to Applicant in violation of § 2(d) of the Lanham Act, as amended (15 U.S.C. § 1052(d)), and derogation of the prior and superior rights of Opposer.

7. Opposer also will be damaged by the registration of the DIRECTO GET WHAT

YOU EXPECT! mark, as aforesaid, in that said mark will dilute Opposer's DIRECTV mark in violation of § 43(c) of the Lanham Act (15 U.S.C. § 1125(c)).

8. By reason of the foregoing, Opposer believes it will be irreparably damaged by the registration of Applicant's mark.

9. Registration should, therefore, be refused pursuant to § 2(d) of the Lanham Act (15 U.S.C. § 1052(d)), on the grounds that the application to register DIRECTO GET WHAT YOU EXPECT! so resembles Opposer's DIRECTV mark as to cause confusion, mistake, or deception and under § 43(c) of the Lanham Act (15 U.S.C. § 1152(c)), and on grounds that said application dilutes the tremendous value of Opposer's DIRECTV mark.

WHEREFORE, Opposer requests that this opposition be sustained and that the application by Voiceglobal Corp. to register the mark DIRECTO GET WHAT YOU EXPECT! (Serial No. 78/857942) be refused.

Opposer will submit payment with the online filing of the Notice, pursuant to 37 C.F.R. § 2.6(a)(7), in an amount totaling three hundred dollars (\$300.00) in payment of the requisite fee for filing this Notice of Opposition against the application. Please charge any additional amounts to the undersigned Attorney's Deposit Account No. 03-3975.

Respectfully submitted,
Pillsbury Winthrop Shaw Pittman, LLP



Dated: Los Angeles, California
April 25, 2007

By: Caroline L. Keller
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Attorney for Opposer
DIRECTV, Inc.